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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,959	02/19/2002	Fridolin Feist	24562	2026
7590 04/07/2005				
NATH & ASSOCIATES PLLC 6th Floor 1030 15th Street NW Washington, DC 20005			EXAMINER LAO, SUE X	
			ART UNIT 2194	PAPER NUMBER

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,959	FEIST, FRIDOLIN	
	Examiner	Art Unit	
	Sue Lao	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-13 are presented for examination.
2. The drawings are objected to under 37 CFR 1.83(a). Figures 1-10 as filed consist primarily of blocks and numbers. Any structural details necessary for a proper understanding of the subject matter sought to be patented should be shown in the drawings. MPEP 608.02(d). Correction is required. No new matter should be entered.
3. Figures 1-2 appear to illustrate only prior art / known systems (see application as filed, [0021]-[0024]) and should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Appropriate correction is required.
4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

 - (a) TITLE OF THE INVENTION.
 - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
 - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
 - (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regarding claims 1, 7 and 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 1 recites at least four "and/or" phrase in an inter-linked manner, which make it unclear as to which of the alternative limitations or the combinations thereof is required by the claim.

Claim 1 recites " the storage of data files with standard tools as layout (layout file) in each device" in line 7. It is unclear as to whether the "layout file" is the same as the data files, or is an additional limitation.

7. Claim 1-13 are objected to because of the following informalities: Claim 1 recites "to given operating condition" which appears to be "to give operating condition". Appropriate correction is required.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lachhwani et al (U S Pub. 2002/0116418 A1).

As to claim 1, Lachhwani teaches a process for adjusting an operating interface (user interface 108), event messages, and/or measurement protocols of internet-capable process devices (client 108a-b, [0034]), such as control units, sensors, and/or actuators, which devices are connected by means of interfaces and/or networks (network 106, [0032]), to give operating conditions (connecting to server, [0042]), wherein the following process steps are involved:

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the storage of data files (store layout through interaction of software tool, [0043], [0057]) with standard tools (layout manager 212) as layout (layout file) (layout 402) in each device ([0043], [0046]), and

the use of the data files as layout in generating an adapted internet page (create layout and web page, [0018]) when emails and/or FTP files are transmitted over FTP client services, in answering an inquiry (client sends credential to server for verification, [0042]) made by a remote internet browser (client with browser interface), or upon occurrence of predefined events (establish connection between client and server, [0042]).

It is noted that for any group of alternative limitations linked by 'and/or' above, it is interpreted as requiring only one alternative. It is further noted that limitations introduced by 'such as' is interpreted as not necessarily required.

While Lachhwani does not explicitly teach the connection between a client and a server is a FTP connection, it would have been an obvious choice for the purpose of communication speed.

As to claim 2, Lachhwani teaches the file serving as layout is any other file (layout 402). In view of the discussion of claim 1 with respect to FTP connection, it would have been obvious to address/transmit the layout by an FTP internet service.

As to claim 3, Lachhwani teaches transmission of the files into the devices takes place during the ongoing operation of the process devices (client on line).

As to claim 6, Lachhwani teaches the layouts (layouts) for the adjusted internet pages and for the adapted emails (electronic files, [0027]) or measurement protocols contain code words (objects, [0046]) to which actual data (content) are assigned in the reply to inquiries from a remote internet browser.

As to claim 10, Lachhwani teaches the devices exhibit (fig. 5) an internet server, an internet page generator, a layout storage for internet pages, client/server units, and at least one interface suitable for digital communication (components shown in fig. 5). Note discussion of claim 1 for a connection being a FTP connection.

As to claim 11, Lachhwani teaches at least one interface (108) suitable for digital communication, means for processing internet protocols / internet services (inherent to

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web clients of Lachhwani), means for storing data files with standard tools as layouts in a file system (store layout, [0043]) and for safeguarding the files (monitor layouts, [0056]).

As to claim 12, Lachhwani teaches the digital interface for entering the layout files and the interface for networking the devices are identical in that they use the same browser interface (fig. 5, Explorer)..

As to claim 13, Lachhwani teaches a separate interface is provided for entering the layout files (layout editor 212, fig. 5).

8. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lachhwani et al as applied to claim 2 in view of Nazem et al (U S pat. 5,983,227).

As to claim 4, Nazem teaches selectively activating a standard operating surface (template saved and retrieved) or an adjusted operating surface (quickly generated version) based on the choice of address (memory mapping). Col. 3, line 59 – col. 4, line 23. . Therefore, it would have been obvious to selective activation into Lachhwani. One of ordinary skill in the art would have been motivated to combine the teachings of Lachhwani and Nazem because this would have reduced the network communication related to page layouts (col. 2, lines 15-21).

As to claim 5, Lachhwani as modified teaches making available diagnostic aids for error functions that have arisen in the adjusted operating surface (monitor/validate layout 402, [0056]).

9. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lachhwani et al as applied to claim 1 in view of Lim et al (U S Pat. 6,370,582).

As to claim 8, Lim teaches (remote control and monitoring system, fig. 4) the transmission of an e-mail (e-mail server 80) for adjustment of event messages triggered automatically by events (send activity/security data to remote user by e-mail protocol), see col. 2, lines 55-67; col. 9, line 40 – col. 10, line 2. Therefore, it would have been obvious to include an e-mail protocol for adjustment of event messages into Lachhwani. One of ordinary skill in the art would have been motivated to combine the

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teachings of Lachhwani and Lim because this would have allowed sending selected access information to multiple locations (col. 2, lines 64-67).

As to claim 9, Lachhwani as modified by Lim teaches cyclical fashion (Lim, monitor facility access, col. 2, lines 55-67, ie, at access time)

10. Claim 7 appears allowable over prior art if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, and subjected to a final search.

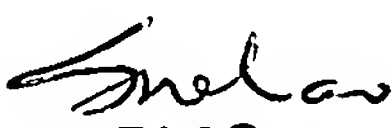
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (571) 272-3764. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (571) 272 3756. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 1, 2005


SUE LAO
PRIMARY EXAMINER